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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,699	12/14/1999	STELLIOS J. PATSIOKAS	XM-0025	4157

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EXAMINER
MILORD, MARCEAU

ART UNIT	PAPER NUMBER
2682	14

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.		Applicant(s)	
Office Action Summary	09/461,699		PATSIOKAS, STELLIOS J.	
	Examiner		Art Unit	
	Marceau Milord		2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 May 2003* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
>
> described as set forth in section 102 of this title, if the differences between the subject
>
> matter sought to be patented and the prior art are such that the subject matter as a whole
>
> would have been obvious at the time the invention was made to a person having ordinary
>
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
>
> by the manner in which the invention was made.

Claims 1- 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson

(US Patent No 5857156) in view of Matsura (US Patent No 6075568) and Bravman et al. (US

Patent No 5393965).

Regarding claims 1 and 11, Anderson discloses a system for distributing program

content (fig. 1; col. 1, line 50- col. 2, line 48) comprising: first means (remote device 24, 30, 36

of fig. 1) for transmitting said program content and data relating thereto using a first network

(col. 3, lines 32- 44), said first network being a wireless network; second means (38 of fig. 1) for

receiving said program content and data relating thereto (col. 3, lines 50- 54); third means (30

and 36 of fig. 1) for receiving user input ; and fourth means (38 and 40 of fig. 1) for storing a

signal (col. 3, lines 53- 67; col. 4, lines 1- 49).

However, Anderson does not specifically disclose the features of a means for transmitting

the program content and data relating thereto via a wireless network for storing data in response

to a user input.

On the other hand, Matsuura, from the same field of endeavor, discloses in figure 2, a

network system that has a configuration such that information supplier address data transmitted

with character broadcast data is extracted and stored in the Internet address memory.

Furthermore, the web site addresses once addressed by the user or selected on a character

broadcast display can be registered in an address list as being stored in the address list area, and a

desired web site can be accessed by the Internet browser 9 according to an address selected from

the address list (figs. 3- 7; col. 3, line 38- col. 4, line 65; col. 5, line 47- col. 6, line 64; col. 7, line

7- col. 8, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to apply the technique of Matsuura to the system of Anderson in

order to allow the user the flexibility to retrieve the desired selection from a second network

using the removable, media, and also to access a web site on the World Wide Web or a site on a

private distribution hub.

Bravman et al shows in figures 17 and 18, a processing means 324 and a display unit 334.

The data entered by keyboard 332 is transmitted to the processor and display unit 334 for storage

and processing. In addition to entering data, the keyboard 332 is also used for entering control

commands to effect operation of the processor unit 334. . The data entered by keyboard 332 is

displayed on display screen 336, and upon entry of a proper control command, is also stored in

memory. The data to be encoded into the pattern 318 is stored in a first memory in processor

334, and the data, to be transferred in human readable form is stored in a second memory (col. 2,

line 39- col. 3, line 3; col. 11, line 4-col. 12, line 68; col. 17, line 61- col. 19, line 68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Bravman to the modified system of Matsuura and Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

Regarding claim 2, Anderson as modified discloses a system for distributing program content (fig. 1; col. 1, line 50- col. 2, line 48) further including fifth means (44 of fig. 1), responsive to said stored data, for retrieving said program content or information relating thereto from a second network (col. 3, line 50- col. 4, line 30).

Regarding claims 3- 5, 14, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48) wherein said fourth means (fig. 3) includes a removable electronic storage medium, and a second network is the Internet or World Wide Web (col. 4, lines 1- 30; col. 6, lines 13- 60).

Regarding claims 6- 7, Anderson as modified discloses a system for program content (fig. 1; col. 1, line 50- col. 2, line 18) includes a plurality of music selections; and a second means includes means for playing said music selections as they are received from said first means (col. 2, lines 22- 48; col. 4, lines 37- 52).

Regarding claim 8, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48) wherein said first means is a satellite radio transmitter and said second means is a satellite radio receiver (42 of fig. 1; col. 3, line 60- col. 4, line 64).

Regarding claims 9 and 15, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48) wherein said third means includes a voice recognition system (col. 3, lines 40- 67).

Regarding claims 10 and 12, Anderson as modified discloses a system for distributing program content (fig. 1; col. 1, line 50- col. 2, line 48) wherein said fifth means includes a kiosk (50, 48, 34, 52 of fig. 1; and means for selectively displaying information relating to said data (col. 3, line 38- col. 4, line 30)

Regarding claim 13, Anderson discloses a system (fig. 1; col. 1, line 50- col. 2, line 48) comprising: a satellite radio transmitter (42 of fig. 1) for transmitting program content and data relating thereto; a receiver (38 of fig. 1) for receiving said program content and data relating thereto (col. 3, lines 50- 54); means (24, 30, 36 of fig. 1) for receiving user input (col. 3, lines 32- 44); a removable electronic storage medium (38 of fig. 1) for storing said data in response to said user input (col. 3, lines 50- 67; col. 9, lines 35- 49).

However, Anderson does not specifically disclose the features of a means for storing a signal identifying said data in response to said user input; and a computer, responsive to said stored data, for retrieving said program content or information relating thereto from the Internet or World Wide Web.

On the other hand, Matsuura, from the same field of endeavor, discloses in figure 2, a network system that has a configuration such that information supplier address data transmitted with character broadcast data is extracted and stored in the Internet address memory. Furthermore, the web site addresses once addressed by the user or selected on a character broadcast display can be registered in an address list as being stored in the address list area, and a

desired web site can be accessed by the Internet browser 9 according to an address selected from

the address list (figs. 3- 7; cot. 3, line 38- cot. 4, line 65; col. 5, line 47- cot. 6, line 64; cot. 7, line

7- cot. 8, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to apply the technique of Matsuura to the system of Anderson in

order to allow the user the flexibility to retrieve the desired selection from a second network

using the removable media, and also to access a web site on the World Wide Web or a site on a

private distribution hub.

Bravman et al shows in figures 17 and 18, a processing means 324 and a display unit 334.

The data entered by keyboard 332 is transmitted to the processor and display unit 334 for storage

and processing. In addition to entering data, the keyboard 332 is also used for entering control

commands to effect operation of the processor unit 334. . The data entered by keyboard 332 is

displayed on display screen 336, and upon entry of a proper control command, is also stored in

memory. The data to be encoded into the pattern 318 is stored in a first memory in processor

334, and the data, to be transferred in human readable form is stored in a second memory (col. 2,

line 39- col. 3, line 3; col. 11, line 4-col. 12, line 68; col. 17, line 61- col. 19, line 68). Therefore,

it would have been obvious to one of ordinary skill in the art at the time the invention was made

to apply the technique of Bravman to the modified system of Matsuura and Anderson in order to

allow the user the flexibility to retrieve the desired selection from a second network using the

removable media, and also to access a web site on the World Wide Web or a site on a private

distribution hub.

Regarding claim 16, Anderson discloses a system (fig. 1; cot. 1, line 50- cot. 2, line 48)

comprising: first means (remote device 24, 30, 36 of fig. 1) for transmitting program content and

data relating thereto using a first network (col. 3, lines 32- 44), said first network being a

wireless network; second means (38 of fig. 1) for receiving program content and data relating

thereto (cot. 3, lines 50- 54); third means (30 and 36 of fig. 1) for receiving user input; fourth

means (38 and 40 of fig. 1) for storing a signal (cot. 3, lines 53- 67; col. 4, lines 1- 49)

However, Anderson does not specifically disclose the features of a means for storing said

data in response to said user input; and a means for selectively disabling said means in response

to a nonrecord-ability signal.

On the other hand, Matsuura, from the same field of endeavor, discloses in figure 2, a

network system that has a configuration such that information supplier address data transmitted

with character broadcast data is extracted and stored in the Internet address memory.

Furthermore, the web site addresses once addressed by the user or selected on a character

broadcast display can be registered in an address list as being stored in the address list area, and a

desired web site can be accessed by the Internet browser 9 according to an address selected from

the address list (figs. 3- 7; col. 3, line 38- col. 4, line 65; col. 5, line 47- col. 6, line 64; col. 7, line

7- col. 8, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to apply the technique of Matsuura to the system of Anderson in

order to allow the user the flexibility to retrieve the desired selection from a second network

using the removable media, and also to access a web site on the World Wide Web or a site on a

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Bravman et al shows in figures 17 and 18, a processing means 324 and a display unit 334.

The data entered by keyboard 332 is transmitted to the processor and display unit 334 for storage

and processing. In addition to entering data, the keyboard 332 is also used for entering control

commands to effect operation of the processor unit 334. The data entered by keyboard 332 is displayed on display screen 336, and upon entry of a proper control command, is also stored in memory. The data to be encoded into the pattern 318 is stored in a first memory in processor 334, and the data, to be transferred in human readable form is stored in a second memory (col. 2, line 39- col. 3, line 3; col. 11, line 4-col. 12, line 68; col. 17, line 61- col. 19, line 68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Bravman to the modified system of Matsuura and Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

Regarding claim 17, Anderson discloses a method for recording data (fig. 1; col. 1, line 50- col. 2, line 48) including the steps of: transmitting program content and data (remote device 24, 30, 36 of fig. I) relating thereto using a first network (col. 3, lines 32- 44), said first network being a wireless network; receiving (38 of fig. 1) said program content and data relating thereto (col. 3, lines 50- 54); receiving user input (30 and 36 of fig. 1); storing (38 and 40 of fig. 1) said data (col. 3, lines 53- 67; col. 4, lines 1- 49) .

However, Anderson does not specifically disclose the features of a means for storing said data; and retrieving said program content or information relating thereto from a second network in response to said stored signal.

On the other hand, Matsuura, from the same field of endeavor, discloses in figure 2, a network system that has a configuration such that information supplier address data transmitted with character broadcast data is extracted and stored in the Internet address memory.

Furthermore, the web site addresses once addressed by the user or selected on a character

broadcast display can be registered in an address list as being stored in the address list area, and a

desired web site can be accessed by the Internet browser 9 according to an address selected from

the address list (figs. 3- 7; col. 3, line 38- col. 4, line 65; col. 5, line 47- col. 6, line 64; col. 7, line

7- col. 8, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to apply the technique of Matsuura to the system of Anderson in

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line 39- col. 3, line 3; col. 11, line 4-col. 12, line 68; col. 17, line 61- col. 19, line 68). Therefore,

it would have been obvious to one of ordinary skill in the art at the time the invention was made

to apply the technique of Bravman to the modified system of Matsuura and Anderson in order to

allow the user the flexibility to retrieve the desired selection from a second network using the

removable media, and also to access a web site on the World Wide Web or a site on a private

distribution hub.

Response to Arguments

2.   Applicant's arguments filed on May 14, 2003 have been fully considered but they are not

persuasive.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The

examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9314 for regular

communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

MARCEAU MILORD   Marceau Milord
                                                        Examiner
                                                        Art Unit 2682

July 28, 2003